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EXAMINER

BUI, KIEU OANH T

ART UNIT

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/199,740

Applicant(s)

WATANABE ET AL. 

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

2. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al. (U.S. Patent No. 6,166,729) in view of Logan et al. (U.S. Patent No. 5,732,216).

Regarding claim 1, Acosta et al (or "Acosta" hereinafter) discloses an image downloading apparatus capable of down-loading an image to a plurality of clients via a network (Abstract, col. 1/line 60 to col. 2/line 42) comprising:

a switch adapted to switch between a first output means for outputting an image, i.e, a first output from one of plurality of cameras for displaying an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27) and a second output device, i.e, a second output from one of plurality of cameras for displaying an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27 for outputs of multiple ones of the cameras 12 in operation at anytime to multiple users); and

a switch controller adapted to control said switch, wherein said switch controller controls said switch so as to select said second output device for a first predetermined period after said first output device is selected for a second predetermined period, for example, a Business Manager within the COVMS 16 acts as a switch controller in this scenario because it handles all of fundamental operations of the COVMS 16 internally, i.e., acts as a switch in switching outputs

to a plurality of viewers (col. 8/lines 12-15) as well as externally, i.e., in communicating with other COVMSs, customer connections and web site connections (col. 12/line 57 to col. 13/line 21) and the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer as preferred. Furthermore, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process).

Acosta does not further disclose that the second output device “which outputs an advertisement that is different from an image picked up by a connected camera” and “such that the advertisement is inserted into the image output from the first output device” as claimed; however, Logan teaches a same technique in a audio/video distribution system over the Internet that web pages, images, and advertisements from a remote server can be downloaded to user’s computer system (as illustrated in Fig. 1 and col. 1/lines 8-16; Figs. 2 & 4, col. 5/lines 30-62 and col. 17/lines 20-42 for advertisement distribution; col. 8/lines 48-60 for a web server; and col. 32/lines 1-15 for image downloading). Since Acosta suggests to include commercial providers 1 & 2 (Fig. 4) for providing services to clients, and with Logan’s teaching technique in providing ad or advertisements or commercial messages to users/clients, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Acosta’s system with Logan’s disclosed technique in order to offer an advertisement which is different from an image picked a connected camera (taught by Acosta) to users as means for targeting clients/users as suggested by Logan (col. 24/line 35 to col. 28/line 10 for further details on this issue).

As for claim 2, in further view of claim 1 above, Acosta inherently suggests “wherein, when a request for down-loading of the image to be outputted by said first output device is received while said second output device is selected after a third predetermined period has elapsed since said switch switched from said first output device to said second output device, said switch controller controls said switch so as to switch from said second output device to said first output device” because the Business Manager monitors and maintains a smooth operations for providing outputs with a loop with setting timer, a plurality of predetermined periods can be set in order to handle the switching between outputs according to valid queues (see Fig. 16, and col. 14/line 23-col. 15/line 51, and col. 17/lines 19-26 for monitoring the overall performance of the system and making necessary adjustments).

Concerning claim 3, in further view of claim 1 above, Acosta further discloses “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller controls said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group II, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

Concerning claim 4, in further view of claims 1 and 3 above, Acosta and Logan further discloses “further comprising memory for storing advertisements on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the advertisement on the client is stored in said memory, and discriminates a client as belonging to the second

group when the advertisement on the client is not stored in said memory”, i.e., client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (Acosta, col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Acosta, Fig. 5) and Logan teaches to have a database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user’s data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

As for claim 5, in further view of claim 3 above, Acosta further discloses “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

Concerning claims 6 and 7, in further view of claim 1 above, the steps of “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises discrimination unit for discriminating a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first output device for a client which belongs to a first group” and “further comprising memory for storing advertisement on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the advertisement on the client is stored in said memory, and discriminates a client as belonging to a second group when the information on the client is not stored in said memory” are taught by Acosta, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups even logging out the user if the threshold is exceeded (col. 27/lines 12-37),

and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5) and by Logan as Logan teaches to have a database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user's data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

As for claim 8, in further view of claim 6 above, Acosta reveals "wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise", i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claim 9, in further view of claim 1 above, Acosta further teaches "wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first output device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group", i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group III, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

As for claim 10, in further view of claim 1 above, Acosta discloses “wherein the image outputted by said first output device is a moving image”, i.e., a real-time live image is outputted for viewing at remote locations (col. 2/lines 17-25).

As for claim 11, in further view of claim 10 above, Acosta teaches “wherein the image outputted by said first output device is an image being sensed by a video camera”, i.e., video camera 12 is collecting images for outputting by first output device to viewers at remote locations (Figs. 1 & 4/items 12, and col. 4/lines 25-41 & col. 5/lines 43-67).

As for claim 12, in further view of claim 1 above, Acosta and Logan teaches the apparatus further “comprising memory for storing advertisement, wherein the advertisement to be outputted by said second output device is the information stored in said memory”, i.e., Acosta discloses a processor card 20 of camera 12 contains memory or cache 56 for storing information (Fig. 3/item 56), and Logan teaches to have database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user's data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

Regarding claim 13, Acosta discloses “an image down-loading system capable of down-loading an image to a plurality of clients via Internet (Abstract, col. 1/line 60 to col. 2/line 42), comprising: a first down-loading device which down-loads an image, i.e, a first download device from one of plurality of cameras for downloading an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27); a second down-loading device, i.e, a second download device from one of plurality of cameras for downloading an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27); a switch adapted to switch between said first downloading device and said second down-loading device, i.e., the Central Office Video Management System 16 or the COVMS 16 (col. 4/lines 26-28) acts a switch for switching between the first outputs and second outputs as mentioned earlier,



eventually, between multiple outputs of multiple ones of the cameras 12 in operation at anytime to multiple users (Fig. 4 and col. 8/lines 1-27); and a switch controller adapted to control said switch, wherein said switch controller controls said switch so as to select said second downloading device for a first predetermined period after said first down-loading device is selected for a second predetermined period”, for example, a Business Manager within the COVMS 16 acts as a switch controller in this scenario because it handles all of fundamental operations of the COVMS 16 internally, i.e., acts as a switch in switching outputs to a plurality of viewers (col. 8/lines 12-15) as well as externally, i.e., in communicating with other COVMSs, customer connections and web site connections (col. 12/line 57 to col. 13/line 21) and the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer as preferred. Furthermore, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process).

Acosta does not further disclose that the second down-loading device “which downloads an advertisement that is different from an image picked up by a connected camera” and “such that the advertisement is inserted into the image downloaded from said first down-loading device” as claimed; however, Logan teaches a same technique in a audio/video distribution system over the Internet that web pages, images, and advertisements from a remote server can be downloaded to user’s computer system (as illustrated in Fig. 1 and col. 1/lines 8-16; Figs. 2 & 4, col. 5/lines 30-62 and col. 17/lines 20-42 for advertisement distribution; col. 8/lines 48-60 for a web server; and col. 32/lines 1-15 for image downloading). Since Acosta suggests to include commercial providers 1 & 2 (Fig. 4) for providing services to clients, and with Logan’s teaching technique in providing ad or advertisements or commercial messages to users/clients, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Acosta's system with Logan's disclosed technique in order to offer an advertisement which is different from an image picked a a connected camera (taught by Acosta) to users as means for targeting clients/users as suggested by Logan (col. 24/line 35 to col. 28/line 10 for further details on this issue).

As for claim 14, in further view of claim 13 above, Acosta and Logan discloses "wherein the clients have memory for storing the advertisement down-loaded by said second down-loading device, and while said switch selects said second downloading device, the clients display the advertisement stored in said memory", i.e., Acosta discloses client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5), and Logan teaches to have a database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user's data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

As for claim 15, in further view of claim 13 above, Acosta and Logan further teaches "wherein the clients have memory for storing the advertisement down-loaded by said second down-loading device, and since a communication path is established on the Internet until the image to be down-loaded by said first down-loading device starts to be down-loaded, the clients display the advertisement stored in said memory", i.e, Acosta discloses that the user can store the down-loaded information to a memory cache 1064 or to the work station computer 22 (Fig. 31 and col. 26/line 53 to col. 27/line 11), and Logan teaches to have a database for storing advertisements as well as images and displaying those advertisements to clients (Logan, Fig. 1 with a display 118) and the advertisement targeting on clients is based on the user's data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

As for claim 16, in further view of claim 13 above, Acosta and Logan teaches “wherein the clients have memory for storing the advertisement down-loaded by said second down-loading device, and after a communication path on the network is disconnected, the clients display the advertisement stored in said memory”, i.e., Acosta discloses that information can be downloaded locally to the user computer 22, thus, if a network connection is disconnected, the user obviously still can display the information col. 26/line 53 to col. 27/line 11) and Logan teaches to have a database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user’s data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

As for claim 17, in further view of claim 13 above, the step of “wherein, when a request for down-loading of the image to be down-loaded by said first down-loading device is received while said second down-loading device is selected after a third predetermined period has elapsed since said switch switched from said first downloading device to said second down-loading device, said switch controller controls said switch so as to switch from said second down-loading device to said first downloading device” is taught by Acosta as Acosta includes the Business Manager monitors and maintains a smooth operations for providing outputs with a loop with setting timer, a plurality of predetermined periods can be set in order to handle the switching between outputs according to valid queues (see Fig. 16, and col. 14/line 23-col. 15/line 51, and col. 17/lines 19-26 for monitoring the overall performance of the system and making necessary adjustments).

As for claim 18, in further view of claim 13 above, Acosta discloses “ wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group”, i.e.,

clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group II, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

As for claim 19, in further view of claim 18 above, Acosta and Logan further teaches “comprising memory for storing advertisement on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to the second group when the advertisement on the client is not stored in said memory”, i.e., Acosta discloses that client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5), and Logan teaches to have a database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user’s data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

Concerning claim 20, in further view of claim 18 above, Acosta teaches “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claims 21 and 22, in further view of claim 13 above, Acosta and Logan teaches “wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first down-loading device for a client which belongs to a first group” and “further comprising memory for storing advertisement on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the advertisement on the client is stored in said memory, and discriminates a client as belonging to a second group when the advertisement on the client is not stored in said memory”, i.e., Acosta discloses that clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups even logging out the user if the threshold is exceeded (col. 27/lines 12-37), and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5), and Logan teaches to have a database for storing advertisements as well as images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user’s data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

As for claim 23, in further view of claim 21 above, Acosta discloses “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claim 24, in further view of claim 13 above, Acosta teaches “wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first down-loading device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group III, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

Concerning claim 25, in further view of claim 13 above, Acosta teaches “wherein the image down-loaded by said first down-loading device is a moving image”, i.e., a real-time live image is outputted for viewing at remote locations (col. 2/lines 17-25).

Concerning claim 26, in further view of claim 25 above, Acosta further teaches “wherein the image down-loaded by said first down-loading device is an image being sensed by a video camera”, i.e., video camera 12 is collecting images for outputting by first output device to viewers at remote locations (Figs. 1 & 4/items 12, and col. 4/lines 25-41 & col. 5/lines 43-67).

As for claim 27, in further view of claim 13 above, Acosta and Logan further teaches “comprising memory for storing advertisement, wherein the information to be down-loaded by said second down-loading device is the advertisement stored in said memory”, i.e., Acosta teaches a processor card 20 of camera 12 contains memory or cache 56 for storing information (Fig. 3/item 56), and Logan teaches to have a database for storing advertisements as well as

images for clients (Logan, Fig. 1) and the advertisement targeting on clients is based on the user's data and usage log (Logan, Fig. 1/item 143 & Fig. 2).

Regarding claims 28-42, these claims for "an image down-loading method capable of downloading an image to a plurality of clients via Internet" are rejected for the reasons given in the scope of apparatus and system claims 1-27 as already disclosed in details above.

Regarding claims 43-50, these claims for "a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for down-loading an image to a plurality of clients via a network, said product including: first computer readable program code means for down-loading an image; second computer readable program code means for down-loading advertisement that is different from an image picked up by a connected camera; third computer readable program code means for switching from said first computer readable program code means to said second computer readable program code means after a first predetermined period has elapsed, such that the advertisement is inserted into the image down-loaded by said first computer readable program code means; and fourth computer readable program code means for switching from said computer readable program code means to said first computer readable program code means after a second predetermined period has elapsed" are rejected for the reasons given in the scope of apparatus and system claims 1-27 as already disclosed in details above.

*Response to Arguments*

3. Applicant's arguments filed on 03/03/03 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, as for claims 1, 13, 28 and 43, Acosta does not further disclose that the second output device "which outputs an advertisement that is different from an image picked up by a connected camera" and "such that the advertisement is inserted into the image output from the first output device" as claimed simply because Acosta focuses on downloading real-time images for different remote locations at a remote location (col. 2/lines 16-26). However, Acosta does include downloading or retrieving information data via a world wide web server (Fig. 1/item 18 and col. 4/lines 26-41) under the control of a switch COVMS 16 between commercial provider networks 1 & 2 (Fig. 4 and col. 5/lines 43-67). Therefore, Acosta clearly suggests or teaches to include the delivery of advertisements by those commercial provider networks, yet Acosta does not expand this area of web downloading or web advertisements; however, Logan teaches a same technique in a audio/video distribution system over the Internet that web pages, images, and advertisements from a remote server can be downloaded to user's computer system (as illustrated in Fig. 1 and col. 1/lines 8-16; Figs. 2 & 4, col. 5/lines 30-62 and col. 17/lines 20-42 for advertisement distribution; col. 8/lines 48-60 for a web server; and col. 32/lines 1-15 for image downloading). Since Acosta discloses commercial providers 1 & 2 (Fig. 4) for providing services to clients, and with Logan's teaching technique in providing ad or advertisements or



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commercial messages to users/clients, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Acosta's system with Logan's disclosed technique in order to offer an advertisement which is different from an image picked a connected camera (taught by Acosta) to users as means for targeting clients/users as suggested by Logan (col. 24/line 35 to col. 28/line 10). The switch of Acosta would have performed as disclosed for switching to appropriate server sources because Acosta clearly discloses that the COVMS 16 acts as a switch in connecting and delivering images and information data from the World Wide Web between the user and provider networks (col. 8/lines 1-34). Therefore, the combination of Acosta and Logan is proper and valid based on those disclosures and teachings.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Based on the reasonings to combine the references above, they do not include knowledge gleaned only from the applicant's disclosure, the Examiner believes that such a reconstruction is valid and proper.

Therefore, the Examiner disagrees with the Applicants' arguments and stands with the disclosure and teaching of Acosta and Logan as disclosed in the previous Office Action and discussed in this Final Office Action.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui  
Art Unit 2611  
May 7, 2003



**VIVEK SRIVASTAVA**  
**PATENT EXAMINER**